

### **REMARKS**

The following remarks are responsive to the Final Office Action of October 11, 2007.

In the October 11, 2007 Office Action, claims 20-24 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 6,829,009 to Sugimoto, and claims 1-19 and 25 were rejected under 35 U.S.C. § 103(a) as obvious over Sugimoto in view of the abstract of KR 2000-003838 to Hong.

#### **Claims 12 and 20 Require Setting an Initially Active Item Among Menu Items Displayed in a Static Order**

Claims 12 and 20 have been amended to clarify that an initially active menu item is set among items displayed in a static display order according to the number of uses of the menu item and the operation mode in use. (Present Application, Page 11, Line 25 – Page 12, Line 10).

In contrast to amended claims 12 and 20, Hong (which is cited by the Examiner for its teaching of comparing a number of uses value to a reference number) does not disclose setting an initially active menu item. Also in contrast to amended claims 12 and 20, Sugimoto discloses changing the display order based on a change in operation mode (Sugimoto, Column 5, Line 53 – Column 6, Line 5), but does not disclose setting an initially active menu item based on the operation mode in use among items displayed in a *static* display order.

Amended claims 12 and 20 provide the flexibility to, for example, select an initially active menu item based on the number of uses of the item in an operation mode. For example, the “Contrast” menu item may be initially active in the “Night” operation mode, while the “Brightness” menu item is initially active in the “Normal” operation mode, even if both the “Contrast” and “Brightness” menu items appear in both operation modes. Neither Sugimoto nor Hong provides such flexibility. Claims 12 and 20 reduce the number of key strokes required for a user to select menu items in different operation modes and increase convenience and efficiency of use. (See, e.g., Present Application, Page 1, Lines 25-27)

(“numerous repetitive key operations are inconvenient for the user”). Accordingly, it is submitted that claims 12 and 20 are allowable. Claims 13-19 that depend from claim 12 and claims 21 and 24-25 that depend from claim 20 are also allowable for the same reasons.

**Claim 1 Requires Determining the Number of Uses of Menu Items Across Operation Modes**

Claim 1 has been amended to require “counting a number of times each menu item has been used in each of [a] plurality of operation modes” and “determining a number of uses value for each menu item by totaling the number of times each menu item has been used across the plurality of operation modes” (emphasis added).

Hong (which is cited by the Examiner for its teaching of comparing a number of uses value to a reference number) does not disclose determining a display order based on the number of times a menu item has been used ***across operation modes*** as required by claim 1. Sugimoto (which is cited by the Examiner, in part, for teaching determining a display order according to the operation mode in use) discloses determining the number of uses of each menu item according to “how many times each set item of each menu has been changed for one of N pictures”, but like Hong, does not disclose determining the number of times a menu item has been used ***across operation modes*** as required by claim 1. (Sugimoto, Column 7, Lines 38-41)

Menu items may appear in different menus in different operating modes. Unlike Sugimoto and Hong, claim 1 allows a display order to be based on the total number of times menu items have been used across menus in different operating modes. Accordingly, the Applicant submits that the method of claim 1 distinguishes over the cited prior art and is therefore allowable. Furthermore, Applicant submits that claims 2-4 and 6-11 that depend from claim 1 are allowable as well for at least the foregoing reasons.

**Conclusion**

For the foregoing reasons, all pending claims in the present application are believed to be allowable. Thus, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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